UNITED
NATIONS

CERD

International Convention
on the Elimination
of all Forms of
Racial Discrimination

Distr.
GENERAL

CERD/C/304/Add.105
1 May 2001

Original: ENGLISH

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-seventh session
31 July - 25 August 2000

CONSIDERATION OF REPORTS SUBMITTED BY STATES
PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the
Elimination of Racial Discrimination

Slovenia

1. The Committee considered the initial, second, third and fourth periodic reports of Slovenia (CERD/C/352/Add.1) at its 1405th and 1406th meetings, on 2 and 3 August 2000 (CERD/C/SR.1405 and 1406) and at its 1416th meeting (CERD/C/SR.1416), on 10 August 2000, adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the detailed report presented by the Government of Slovenia, which follows the Committee's guidelines and contains relevant information about the implementation of the provisions of the Convention in the State party. The Committee particularly welcomes the opportunity to be able to initiate a dialogue with the State party and appreciates the detailed answers to questions raised and concerns expressed during the consideration of the report.

B. Positive aspects

3. The Committee welcomes the efforts undertaken by the authorities of the State party since its independence in 1991 to ensure the promotion and protection of human rights. In particular, it notes the adoption of the 1991 Constitution, which guarantees a wide range of human rights, and the enactment of the Citizenship Act (1991), the Personal Data Protection Act (1999), the Radio and Television Act (1994), the Law on Asylum (1997), the Human Rights Ombudsman Act (1993/4), the
Act on the Legal Status of the Religious Communities (1991), the Political Parties Act (1994), the Act on the Legal Status of Religious Communities (1991) and the Redress of Wrongs Act (1996).

4. The establishment of specific institutions dealing with human rights issues, such as the Office of the Human Rights Ombudsman, the Office for

Nationalities, the Office for Immigration and Refugees, the Office for Religious Communities and the Office of the Republic of Slovenia Youth, are considered as positive measures. With reference to the Office of the Human Rights Ombudsman, the Committee especially welcomes the fact that the Ombudsman may by law initiate proceedings ex officio.

5. The Committee welcomes the appropriate measures taken by the State party authorities to resolve the issue of citizenship of former citizens of the Socialist Federal Republic of Yugoslavia following the proclamation of the independence of Slovenia.

6. The Committee notes the specific measures taken for the promotion and the protection of the human rights of the Roma population, including their right to vote and to be elected, the possibility given to this community to gain access to education, including pre-school education, and programmes for professional training.

C. Concerns and recommendations

7. Although the State party provided some information in its report, the Committee remains concerned at the status of the Convention vis-à-vis domestic law, especially regarding cases of conflicts with national legislation and the possibility of invoking provisions of the Convention in the courts. In this connection, the Committee requests the State party to provide further information in its next periodic report on the status of the Convention in domestic law and on court cases, if any, during which the Convention was invoked.

8. The Committee notes that different minority groups are provided by law with differentiated protection measures in different areas of daily life, such as political representation, access to media, education and culture. The Committee notes that minority groups such as Croats, Serbs, Bosnians and Roma do not enjoy the same level of protection from the State party as the Italian and Hungarian minorities. In this connection, the Committee recommends that the State party, in accordance with article 2 of the Convention, ensure that persons or groups of persons belonging to other minority groups are not discriminated against.

9. The Committee is concerned that the legislation presently in force doesn't seem to respond to all the requirements of article 4 of the Convention, which are mandatory. It is also noted that no information on condemnations of individuals and organizations that disseminate ideas of racial superiority or use racial violence was provided by the State party in its report. The Committee takes note of the oral comments made by the delegation on this matter and recommends that the State party review the existing domestic legal framework with a view to implementing all provisions of article 4 of the Convention and to including in the next periodic report relevant information on this subject. The Committee also recommends that the State party take all appropriate measures to inform the general public about existing judicial remedies for victims of racism or xenophobia in order to encourage the use of such remedies.

10. Although the Committee welcomes the initiatives taken by the Slovenian authorities to sensitize and train civil servants and public officials on human rights and racial discrimination
issues, the Committee remains concerned that these efforts are still insufficient. The Committee recommends that the State party strengthen its human rights sensitization and training programmes, especially with regard to law enforcement and military personnel.

11. The Committee is concerned that the temporary protection offered by the State party to refugees might be insufficient to guarantee their basic rights. The Committee recommends that the State party review its policy on temporary protection of refugees in order to guarantee all their rights, especially those covered by the Convention, and facilitate their integration in Slovenian society.

12. It is noted that the State party has not made the declaration provided for in article 14 of the Convention, and some members of the Committee request that the possibility of making such a declaration be considered.

13. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention, adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

14. The Committee recommends that the State party's reports be made readily available to the public from the time they are submitted and that the Committee's concluding observations on them be similarly publicized.

15. The Committee recommends that the State party's next periodic report, due on 6 July 2001, be an updating report and that it address the points raised in the present observations.